

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**Building Code Appeals Board  
Docket No. 05-486**

Axel Kaufman,	)	
	)	
Appellant	)	
	)	
v.	)	
	)	
Town of Wellesley,	)	
	)	
Appellee	)	
	)	

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal filed pursuant to 780 CMR §122.1. In accordance with 780 CMR §122.3, Appellant asks the Board to grant a variance from 780 CMR§ 3603.12.1 of the Massachusetts State Building Code ("Code") to allow the platform from a sunroom to be 6" less than the require 48" width and 6" less than the required depth for the addition at 8 Hillside in Wellesley ("Project").

By letter dated October 5, 2007, Mr. Michael Grant, Building Inspector for the Town of Wellesley ("Appellee") denied the request to amend the approved construction documents for the Sunroom Addition since the Project was permitted under the Sixth Edition of the State Building Code as set forth in 780 CMR § 3603.12.1.

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on Thursday, November 1, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Axel Kaufman appeared on behalf of Appellant. Michael Grant appeared on behalf of Appellee.

**Reasons for Variance**

The issue is whether the Appellant should be allowed a variance from the limitations set forth in 780 CMR §3603.12.1 and be allowed to build a platform (landing) outside the door that meets the Seventh Edition of the State Building Code and not the Sixth Edition as required.

Mr. Kaufman testified that the Sixth Edition requires a 48 inch platform whereas the Seventh Edition allows a 36 inch platform. Mr. Kaufman agreed that the landing does not comply with the Sixth Edition. Mr. Grant testified that the permit application failed to specify the edition of the Code and therefore it was reviewed under the Six Edition. Furthermore, Mr. Grant indicated that his issue with this appeal is the fact that there is no hardship and the Appellant could easily comply with the Sixth Edition of the Code.

### Decision

Board Member Stanley Shuman motioned to grant a variance from 780 CMR §3603.12.1 to utilize the requirements of the Seventh Edition for the size of the exterior landing specified in the appeal. The Motion was seconded by Brian Gale. Following testimony, and based upon relevant information provided, Board members voted to approve the Motion as described on the record. The Board voted as indicated below.

☒..... **Granted**                      ☐..... Denied                      ☐..... Rendered Interpretation

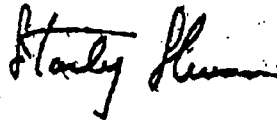
☐.....Granted with conditions                      ☐..... Dismissed

The vote was:

☒.....**Unanimous**                      ☐..... Majority

 (P)

Dana Haagensen - Chair



Stanley Shuman

 (P)

Brian Gale

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: July 10, 2008

  
Patricia Barry, Clerk

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$5.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator  
State Building Code Appeals Board  
BBRS/Department of Public Safety  
One Ashburton Place – Room 1301  
Boston, MA 02108